

Please note, these transcripts are not individually reviewed and approved for accuracy.

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
BOARD MEETING

JOE SERNA JR., CAL EPA BUILDING
CENTRAL VALLEY AUDITORIUM
1001 I STREET, SECOND FLOOR
SACRAMENTO, CALIFORNIA

TUESDAY, NOVEMBER 19, 2002

9:37 A.M.

Doris M. Bailey, CSR, RPR, CRR
Certified Shorthand Reporter
License Number 8751

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

BOARD MEMBERS PRESENT:

LINDA MOULTON-PATTERSON, Chair
SAL CANNELLA
STEVEN R. JONES
JOSE MEDINA
MICHAEL PAPARIAN

STAFF PRESENT:

MARK LEARY, Executive Director
JULIE NAUMAN, Acting Chief Deputy Director
KATHRYN TOBIAS, Chief Legal Counsel
ELLIOT BLOCK, Legal Counsel
DEBORAH MCKEE, Board Assistant
SHARON WADDELL, Board Secretary
EDNA WALZ, Office of Attorney General

--oOo--

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

I N D E X

	PAGE
Call to order	1
Roll Call	1
Opening Remarks	1
Reports & Presentations	3
Consent Agenda	17
Motion	18
Agenda Item 1	21
Agenda Item 45	38
Motion	42
Agenda Item 47	43
Motion	56
Agenda Item 50	58
Motions	72, 73
Agenda Item 60	76
Motion	77
Agenda Item 62	79
Motion	79
Agenda Item VIII - Public Comment	80
Closing Remarks	82
Certificate of Certified Shorthand Reporter	84

--oOo--

1 P R O C E E D I N G S

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Good morning.
4 I'd like to call the meeting to order and I'd like to
5 welcome you to the November meeting of the California
6 Integrated Waste Management Board.

7 Would the secretary please call the roll?

8 BOARD SECRETARY WADDELL: Cannella?

9 BOARD MEMBER CANNELLA: Here.

10 BOARD SECRETARY WADDELL: Eaton?

11 (Not Present.)

12 BOARD SECRETARY WADDELL: Jones?

13 BOARD CHAIR JONES: Here.

14 BOARD SECRETARY WADDELL: Medina?

15 BOARD MEMBER MEDINA: Here.

16 BOARD SECRETARY WADDELL: Paparian?

17 BOARD MEMBER PAPARIAN: Here.

18 BOARD SECRETARY WADDELL: Moulton-Patterson?

19 MS. MOULTON-PATTERSON: Here. Thank you. We
20 do have a quorum.

21 I'd like to remind you to please turn off
22 pagers and telephones.

23 And also we do have a limited number of agenda
24 items on the back table. If you would like to speak on
25 an agenda item, please fill out a form and give it to

1 Ms. Waddell who's right over here, and she'll make sure
2 that we know of your wish to speak.

3 I did want to, before we got started I wanted
4 to say Mr. Eaton will not be here, he is scheduled for a
5 court appearance today and can't be with us. And I'd
6 also like to publicly express our condolences to
7 Secretary Hickox on the loss of his mother.

8 And at this time I'd like to ask the Board
9 members to join me in the Pledge of Allegiance.

10 (Thereupon the Pledge of Allegiance was
11 recited.)

12 MS. MOULTON-PATTERSON: Thank you. Mr. Jones,
13 do you have any ex-parte to report?

14 BOARD MEMBER JONES: Yes, Madam Chair, just
15 three that came in early today.

16 I got a letter from Assemblymember Patricia
17 Wiggins on the Sonoma tire piles. I just got that this
18 morning, so I'll send copies to each of the Board
19 offices probably by the end of today or tomorrow morning
20 depending upon what we time we get out of here.

21 And I think, like all of you, I just got a fax
22 this morning from Litigation Advocates Group
23 representing Placer Land on the western regional
24 landfill permit issues.

25 And then one from the County of Los Angeles,

1 Mike Mohajer, on our compost regs.

2 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
3 you. I'm up to date.

4 Mr. Medina?

5 BOARD MEMBER MEDINA: Up to date.

6 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian?

7 BOARD MEMBER PAPARIAN: I also have the letter
8 from the Placer Ranch related item. Other than that,
9 I'm up to date.

10 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
11 you.

12 Mr. Cannella?

13 BOARD MEMBER CANNELLA: I also have the letter
14 and I'm up to date.

15 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
16 you.

17 Reports from Board members. Mr. Jones, would
18 you like to report this morning?

19 BOARD MEMBER JONES: Actually I've got a few
20 things, Madam Chair.

21 On October 17th the Board or the committee held
22 its Special Waste Committee, I'm sorry, held its third
23 workshop on the five year tire plan in Concord.

24 I want to thank staff Shirley, Martha, Bob,
25 Sally French, we had a few folks.

1 That was the third and final road show meeting.
2 And then I think all of your offices have been contacted
3 that we'll do a one day special workshop here to go over
4 the plans. And I'll try to develop something that can
5 come to the Board with all the members participating.

6 And I think they're checking with the offices
7 to find dates that are going to work for everybody.

8 I was down at the city of Lakewood on October
9 22nd, unfortunately I was surrounded by Anaheim Angel
10 fans.

11 BOARD CHAIR MOULTON-PATTERSON: Go Angels!

12 BOARD MEMBER JONES: While the game was going
13 on, to present them with their 50 percent diversion
14 award. That was the jurisdiction that Mr. Schiavo and
15 his group had worked very hard with. They were at one
16 point, I think, ready to take us to court if we didn't
17 include some stuff, and they got it worked out. And for
18 them to make their diversion goal was good.

19 And then just briefly, the SWANA Waste Con,
20 which, Madam Chair, you did a great job as the keynote
21 speaker.

22 BOARD CHAIR MOULTON-PATTERSON: Thank you.

23 BOARD MEMBER JONES: I ended up as one of the
24 primary speakers for the Department of Defense talking
25 about waste prevention and recycling, and buying

1 recycled. I was there with John Howard who is the newly
2 appointed federal environment executive, and then I
3 participated in the workshop as all the other members
4 did.

5 But on the 30th I met with the Southern
6 California Alliance of Publicly Owned Treatment Plant
7 Works which were all the public works agencies that run
8 their own sewer treatment plants. And it was all their
9 engineers and top management. And we talked about -- I
10 was their luncheon speaker.

11 And we talked about all the bans throughout
12 different areas of counties that are banning the
13 application of treated biosolids, class A biosolids on
14 land.

15 And I think that this Board needs to be aware
16 of some issues that we might be able to partner with
17 these folks. Because the main treatment for sewer
18 treatment biosolids after it's been treated at the plant
19 is in our composting. So that's huge for them, it's
20 huge for our citizens, and it's huge for composting in
21 general to be able to keep working with these folks to
22 come up with a product that can get applied back on ag
23 land safely.

24 And we need to do some work. I mean, when we
25 look at industrial generators of wastewater that have to

1 go through a pretreatment on their facilities prior to
2 ever getting to a sewage treatment plant, I don't think
3 that the public or a lot of folks are really aware of
4 how much work goes into that before it ever gets to a
5 trailer to get moved off somewhere.

6 So I think that's something we'll be tackling a
7 little bit in special waste, but I think it's important
8 for us. And then a few other things, but that's enough
9 for today.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
11 Jones.

12 Mr. Medina.

13 BOARD MEMBER MEDINA: Thank you, Madam Chair.

14 During the month of October, specifically on
15 October the 23rd, I participated in the first Food
16 Summit Conference. And I'd like to commend staff on
17 their efforts for putting this together.

18 There is a growing number of programs around
19 the state related to food diversion, and I think that
20 this is a very good trend. And so I look forward to the
21 next Food Summit Conference, and again to see the
22 growing number of programs that are being put into
23 place.

24 On October the 24th I addressed the City
25 Council in Mexicali. And they very much would like our

1 assistance in helping to put together an infrastructure
2 for waste management in Mexicali.

3 I was able to distribute copies of Closing The
4 Loop which has been translated in Spanish, and these
5 materials were very well received.

6 Also, I had an opportunity to visit Xochimilco
7 Lagoon, this was a very beautiful Lagoon located within
8 Mexicali. And unfortunately over the years two-thirds
9 of it has been filled in by C&D and other wastes. And
10 so the number of migratory birds and others that utilize
11 the Lagoon are now very restricted.

12 And so they have asked for any assistance that
13 we can provide in regard to helping to restore this
14 lagoon to what it once was.

15 On October 30 and 31 I attended the SWANA
16 conference in Long Beach. SWANA has an international
17 forum. I've had an opportunity to attend a couple of
18 these forums where we hear presentations from around the
19 world on how they are managing their waste.

20 Mexico had never participated up until now, and
21 so we had an opportunity to bring Mexico into the
22 conference by focusing on the collaborative efforts
23 between the State of California and the cities along the
24 border.

25 We had a representative from the city of

1 Tijuana who discussed the siting of landfills in Baja,
2 California.

3 Also, one very promising aspect is that the NAD
4 Bank, the bank that was created to go along with NAFTA,
5 and there is a very strong environmental component, for
6 the first time is funding waste management products.

7 So this is something very positive that has
8 occurred. And so this will be very beneficial, not only
9 to the Mexican cities along the border, but also to the
10 California cities along the border.

11 That concludes my report.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
13 Medina.

14 Mr. Paparian.

15 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

16 I also attended the Food Residuals Diversion
17 Summit, and spoke at a luncheon there. And I just
18 wanted to commend the staff for an outstanding job
19 putting that together.

20 The event, as I understand it, was a sell-out.
21 We basically had to turn people away because we used up
22 all the spaces, it was such a high level of interest in
23 what was going on there. And I think the discussions
24 there will lead to some good proposals for us to pursue
25 in the future related to food diversion.

1 I also attended the SWANA Waste Con and
2 moderated a panel on electronic waste. Mike Mohajer,
3 who is here in the audience, was one of the panelists,
4 and I commend him, he did an excellent job of providing
5 an overview of what's going on in Los Angeles on
6 electronic waste issues.

7 On November 5th here in this building we had a
8 workshop on the electronic procurement guidelines for
9 the State of California. Terri Cronin and Jeff Hunts
10 from our staff, together with folks from the Department
11 of General Services conducted that session, and they did
12 an excellent job of soliciting input from the various
13 stakeholders about these procurement guidelines. And
14 we're looking forward to having those available in the
15 next few months.

16 Next Monday, the 25th, we're going to be, well
17 staff and -- well, we're going to be holding a workshop
18 to discuss the Governor's veto message of the
19 electronics waste legislation, SB 1523 and SB 1619. And
20 that workshop is intended to solicit comments from
21 industry, the environmental community, local government,
22 and haulers and recyclers to assist the administration
23 in pursuing some of the programs suggested in the veto
24 message.

25 Secretary Hickox, Department of Toxic

1 Substances Control Director Ed Lawry, and myself will be
2 on the panel hearing input from these various
3 constituencies.

4 Several of our staff had been working on
5 background for this workshop, and I want to especially
6 thank Carroll Mortensen, Pat Chartrand, and Mark Kennedy
7 for all their hard work in getting the logistics of the
8 meeting together as well as the background briefing
9 materials. Peggy Harris and Charles Corcoran of the
10 Department of Toxic Substances Control have also been
11 pulling together information for the workshop and
12 logistics for the workshop as well.

13 Also on E-waste, I'll be traveling to Chicago
14 tomorrow to meet with a subgroup of the NEPSI group, the
15 National Electronics Product Stewardship Initiative
16 group. And I hope to be able to report back next month
17 that NEPSI is making some significant progress towards a
18 national solution, but I'll know more later this week
19 after I attend this meeting in Chicago.

20 We'll talk a little bit later I think about the
21 P&E Committee. But I know that the direction of the
22 staff, or the direction of the committee last week to
23 staff regarding the C&D regs has created quite a heated
24 debate on all sides of the issue. And that there's
25 going to be a stakeholders meeting tomorrow at 1:30 in

1 room 1610. Kit Cole of my staff will be attending that
2 and updating me on the progress when I return from
3 Chicago.

4 My office has received quite a few calls from
5 stakeholders, especially in the recycling and
6 environmental community who have some strong concerns
7 about setting the threshold at a hundred tons. But
8 again, we'll talk about it a little bit more in a few
9 minutes.

10 The December 2nd meeting of the P&E Committee
11 will include some additional direction related -- no,
12 let me rephrase that -- will be hearing the C&D regs
13 again on December 2nd.

14 We've taken a break in the past couple of
15 months in the P&E Committee from our informational
16 workshops, but we're planning to start them up again in
17 the new year.

18 Our first informational hearing of 2003 will be
19 at the January 6th committee meeting, and it's going to
20 focus on elements of the Board's strategic plan that
21 impact P&E, especially goal four.

22 I'll circulate a draft list of some of the
23 upcoming informational hearings before the Christmas
24 break so committee members can put those on their
25 calendar.

1 And that's all I've got right now.

2 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
3 you, Mr. Paparian.

4 Mr. Cannella.

5 BOARD MEMBER CANNELLA: The only report I have,
6 Madam Chair, is that my education continues. Staff in
7 the building have been very good in bringing me up to
8 speed and trying to educate me about the issues that are
9 facing not only the State of California but also the
10 issues before the Board. So I don't have time to really
11 get too far from the building. So I do appreciate the
12 staff's dedication in trying to bring a new member up to
13 speed.

14 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
15 Cannella.

16 And just very briefly, I also would like to
17 extend my congratulations to Ms. Wohl and Ms. Friedman
18 and all of the staff that participated in the food
19 summit. It was, as everyone said, just an excellent
20 summit, and I think a lot of good suggestions will come
21 out of there. Thank you for all your work.

22 I also attended the Oceans conference in Santa
23 Barbara. Our Board was a co-sponsor of that. And it
24 was very interesting. There were a lot of discussions
25 on waste in storm water.

1 And as Mr. Jones said, I spoke at the SWANA
2 conference in Long Beach and very much enjoyed that. I
3 was able to report to the group what we're doing here in
4 California on E-waste, and also on our efforts for zero
5 waste. And so that was very well attended and I enjoyed
6 it very much.

7 BOARD CHAIR MOULTON-PATTERSON: We will have a
8 closed session today, I'm not sure exactly when we'll
9 have it, it will be before the end of today's meeting,
10 I'll talk to the members and see what works for them.

11 And at this time I'd like to turn it over to
12 Mr. Leary for his Executive Director report.

13 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
14 Chair, good morning, good morning, members. A couple of
15 good news items today. With the swirling of bad news
16 out of our fiscal situation statewide, I'm kind of
17 apologetic about passing on some good news about
18 programs going on here at the Board.

19 First of all, you'll remember about a year ago
20 the Board blessed a pilot program. When we didn't have
21 a lot of discretionary funds to use in the organics
22 materials management area, the Board blessed our efforts
23 to work together with research and demonstration
24 projects that would be administered by local
25 jurisdictions and businesses and link them to other

1 federal and state agencies for the uses of their funds
2 and find a way that we can assist them.

3 I'm pleased to report here today that the, one
4 of our pilot project, the UC Santa Clara Cooperative
5 Extension received a \$110,000 grant from the California
6 Department of Food and Agriculture for a project called,
7 "Developing Technology to Grow Mushrooms From Recycled
8 Urban Waste, Food Scraps, and Paper Waste."

9 It was a highly competitive process. There
10 were over seventy proposals, and only seventeen were
11 selected. So it was something that we were able to
12 create as a partnership and help them to be successful.

13 The Board is currently awaiting funding on
14 another submitted project related to erosion control in
15 the Hilliard Vineyards of Napa Valley. They are seeking
16 Clean Water Act non-point source funds from the State
17 Water Resources Control Board, and we're expecting a
18 decision on that project in January.

19 Secondly, I know we can all relate to those
20 parental feelings of great pride when our children are
21 successful in an important endeavor. Well so too you
22 will feel a flush of pride as I tell you that Vermi the
23 Worm has made the big time.

24 The National Science Teachers Association has
25 selected the Vermi the Worm website as part of their

1 SciLink service, an endeavor by the Association to
2 connect textbooks to useful on-line content.

3 Many teachers are taking advantage of the
4 Internet to show student materials that enhance or
5 extend the content covered in their curriculum. These
6 materials are available in the public domain, but are
7 often hard to find, either through traditional searches
8 or through the websites.

9 So SciLinks worked like this. Once a website
10 is selected by the National Science Teachers
11 Association, they place the address on their SciLinks
12 database and correlate it to the national science
13 education standards.

14 Then, when a reader of a SciLinked textbook
15 comes across the SciLinks icon in their textbook, they
16 know that the content of that page is covered on that
17 SciLinks website, so the reader is free to go to that
18 website and learn more, linking that website with the
19 textbook.

20 When the user selects one of these sites, a new
21 browser window opens up, points to the selected website,
22 and connects the reader directly, in our case, to Vermi
23 the Worm.

24 And then thirdly, in what we believe is another
25 first for the Board, our 2001 annual report is now

1 available on-line only. We've taken this step to
2 furthered educate and inform the legislature as well as
3 the public about the importance of resource conservation
4 and waste prevention.

5 Not only are we not incurring the costs of
6 printing the annual report, we are saving the paper and
7 postage required to print and mail it. The report is
8 available immediately to our clients, and then it's
9 linked to the Board's website for more information about
10 specific topics.

11 In this way we create a dynamic document which
12 is, in essence, updated automatically as these portions
13 of the website that are linked from the annual report
14 are revised with new content.

15 I'm aware that there's been some early
16 discussions about requiring state agencies to file all
17 annual reports electronically. This is something that
18 could become the subject of legislative activity in the
19 future.

20 And that concludes my executive report.

21 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
22 Leary.

23 And please pass along those congratulations,
24 Ms. Broddrick, about Vermi the Wormy and all that worked
25 on it, we're very proud.

1 I also wanted to mention, Mr. Leary, we're all
2 very, very aware of the serious budget concerns, and I
3 want to make sure that as a Board we don't lose sight of
4 our commitment to the strategic plan.

5 So I'd like to ask you to provide the Board
6 with a monthly update on our goals and what we've
7 accomplished and what still needs to be done so we're
8 constantly reminded of our strategic plan. If you'd be
9 able to do that I would appreciate it.

10 EXECUTIVE DIRECTOR LEARY: I'd be happy to do
11 that, Madam Chair. Happy to do that.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you.

13 EXECUTIVE DIRECTOR LEARY: We'll start in
14 January.

15 BOARD CHAIR MOULTON-PATTERSON: Okay. On the
16 agenda we have items 12, 13, 14, 43, 44, 54, and 57 that
17 have been pulled from the agenda, they will not be heard
18 at this meeting.

19 Items 2, 41, 42, 48, 49, 52, 53, 63, and 64
20 were heard at the committee level only.

21 Item 37 was deleted from the agenda.

22 Now this brings us to the items that are
23 proposed for consent. And I will read those and see if
24 any members wish to pull them, and then we'll move
25 forward.

1 This is the consent calendar, items three
2 through 11, fifteen revised, 16 through 30, 31 revised,
3 32 through 36, 38, 39 revised, 40, 46, 47, 51, 55, 56,
4 58, 59, and 61 have been proposed for the consent
5 agenda.

6 Do any members wish to pull any of the items
7 from consent?

8 Mr. Paparian.

9 BOARD MEMBER PAPARIAN: Madam Chair, I'd like
10 to pull item 47 related to the Western Regional Sanitary
11 Landfill from consent.

12 BOARD CHAIR MOULTON-PATTERSON: Okay.

13 BOARD MEMBER PAPARIAN: This was the item that
14 was the subject of the letter we received this morning,
15 and I'd like to discuss the letter a little bit at the
16 appropriate time.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. So we
18 will, any other deletions from the consent calendar?

19 Mr. Jones.

20 BOARD MEMBER JONES: Madam Chair, I'd like to
21 move adoption of the consent calendar less item 47.

22 BOARD MEMBER MEDINA: Second.

23 BOARD CHAIR MOULTON-PATTERSON: Okay. We have
24 a motion by Mr. Jones, seconded by Mr. Medina to approve
25 the consent calendar as read with the deletion of item

1 47.

2 Please call the roll.

3 BOARD SECRETARY WADDELL: Cannella?

4 BOARD MEMBER CANNELLA: Aye.

5 BOARD SECRETARY WADDELL: Jones?

6 BOARD CHAIR JONES: Aye.

7 BOARD SECRETARY WADDELL: Medina?

8 BOARD MEMBER MEDINA: Aye.

9 BOARD SECRETARY WADDELL: Paparian?

10 BOARD MEMBER PAPARIAN: Aye.

11 BOARD SECRETARY WADDELL: Moulton-Patterson?

12 BOARD CHAIR MOULTON-PATTERSON: Aye. Okay.

13 The consent calendar has been approved.

14 Before we move onto number one I would like to
15 call on the chair of the Diversion, Planning and Local
16 Assistance Committee which is Mr. Jones.

17 Do you have a report on this section of the
18 agenda, Mr. Jones?

19 BOARD MEMBER JONES: Just really briefly.
20 Since 36 items have been put on consent, I need to
21 explain that at the meeting of P&E which was Thursday,
22 November 7th, Mr. Eaton had a commitment, wasn't here.
23 Madam Chair, you were in, I don't know, oral surgery and
24 getting stuff done, and so you weren't able to make it,
25 and you had appointed Mr. Cannella as a alternate.

1 And while we missed you, Mr. Cannella was very
2 helpful that day, and we heard about 39, we actually
3 heard 39 items. One of 'em is going to, we felt
4 appropriate to bring forward to the Board today, which
5 is item number one, and there will be some discussion
6 around that.

7 Three of the items were pulled, and they, the
8 city of Escalon, the city of Tracy, and the
9 unincorporated area of Madera were pulled because they
10 were all subject to potential compliance orders, and
11 each one of these jurisdictions got their SB 1066 to our
12 staff in time, and it was appropriate to pull 'em so
13 that they could do it on the 1066.

14 The other 36 items had appropriate discussion
15 where necessary, and we deemed them to be of such a
16 nature that we would all be comfortable in putting them
17 on, all 36 of 'em on consent.

18 So I appreciate the effort of staff and the
19 committee members to be able to get through that, Madam
20 Chair.

21 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
22 you, Mr. Jones.

23 And Mr. Cannella, thank you very much for
24 serving on that committee for me, I really appreciate
25 it. You got a lot done.

1 That brings us to item number one, which is the
2 status report on '95-'96 compliance orders. And I'll
3 turn it over to Mr. Schiavo.

4 MR. SCHIAVO: Okay. Cara Morgan will be making
5 this presentation.

6 MS. MORGAN: Good morning, Chair, Members.

7 The Board heard approximately 465 biennial
8 reviews in 1995 to 1996. Approximately four hundred
9 jurisdictions were considered successful in meeting
10 their AB 939 goal.

11 There were also 65 jurisdictions which were
12 placed on compliance. Of the original compliance
13 orders, 16 were for program implementation, and 49 were
14 for numeric deficiencies.

15 To date the Board has approved about 60
16 jurisdictions to come off of compliance, and there are
17 only three remaining to hear. These remaining
18 jurisdictions all have used extrapolated methods to
19 achieve diversion results.

20 Because of concerns regarding inflated
21 diversion numbers using extrapolation and the types of
22 source reduction activities that were being claimed, the
23 Board wanted an investigation performed on base year
24 methodologies. A working group was formed of
25 consultants, Board members, and staff to look at these

1 various methodologies.

2 A review of the various extrapolation methods
3 was discussed in these working groups, working group
4 meetings. And it was acknowledged that there were many
5 approaches that could possibly be used.

6 Staff also performed analyses of data submitted
7 using extrapolation methods, and found that overall
8 generation tonnages based upon pounds per person per day
9 were 79 percent higher using extrapolation.

10 Overall diversion rates were significantly
11 higher than those that did not use extrapolation. The
12 average rate using extrapolation was 53 percent compared
13 to 41 for those that did not use extrapolation.

14 It has also been found that the use of
15 extrapolation greatly increased the amount of source
16 reduction activities that were being claimed, on average
17 b three hundred percent compared to non-extrapolated
18 studies.

19 The working group also investigated sampling
20 methods, and the appropriate number of samples to use in
21 varying situations. Various suggested methods for
22 improved sampling were discussed in the meetings. These
23 include more samples in lower populated areas, and how
24 to deal with non-respondents.

25 Survey processes were also analyzed in how to

1 quantify various material types and situations,
2 particularly source reduction.

3 There were extensive discussions, especially
4 regarding the use of pallets and how they count.

5 It was discussed, because of so many
6 variations, that this should be handled on a case by
7 case basis and allow the jurisdictions flexibility.
8 What ultimately matters is demonstration of a net
9 reduction of disposal when quantifying source reduction.

10 One of the major products of the working group
11 efforts was the completion of the diversion study guide
12 which is a guidance document that provides suggestions
13 for people performing new base year studies. This
14 document was sent out multiple times for peer review and
15 comment, and most of the comments were included in the
16 final guide.

17 One of the major concerns during this process
18 was the lack of clarity and consistency of data
19 presented in addition to a direct relationship to
20 program activities.

21 To address these concerns, the working group
22 and Board staff developed a new base year certification
23 form. Members of the working group and other interested
24 parties reviewed the new certification form and
25 adjustments were made.

1 Staff also began performing field audits of all
2 new base years submitted, and found that the use of the
3 certification form has helped to improve the quality of
4 data submitted to the Board by tying program
5 implementation to diversion tonnages.

6 While the quality of much of the field work is
7 improving, use of the certification form has revealed a
8 lack of clarity of information used to extrapolate
9 diversion data.

10 In reviewing extrapolation methods, staff had
11 found inconsistencies in the data submitted. This has
12 resulted in staff and a Board approved statistical
13 consultant not recommending approval of some of the
14 upcoming new base years that used extrapolation.

15 Finally, jurisdictions and staff have found
16 that the use of the certification form provides
17 information on potential program gaps and serves as a
18 useful tool in program evaluation and planning.

19 This concludes staff's presentation. We're
20 available to answer any questions.

21 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.
22 Morgan.

23 Any questions for Ms. Morgan?

24 Mr. Jones.

25 BOARD MEMBER JONES: Thanks, Madam Chair. I

1 think that there's a couple of things I need to add as
2 to why we even have this agenda item.

3 I forwarded onto each of your offices a letter
4 to the city of Torrance that I had signed. They were,
5 had written a letter asking for an extension of their
6 compliance order, it had been extended a couple of
7 times.

8 The situation that was unique to the city of
9 Torrance is that they had actually gone out, shortly
10 after being put on a compliance order, hired a
11 consultant to take care of part of their compliance
12 order which was a new base year. They paid that firm to
13 do that base year study. It was an inadequate study,
14 they viewed it as not giving them what they needed.

15 They turned around and hired another firm and
16 paid them to put together the study, and probably used
17 some of the same -- I don't know the particulars, but
18 paid a second consultant to come in.

19 And just prior to them coming in front of the
20 Board it was found out that that study had basically
21 said that it was a random study and that they were going
22 to extrapolate. They didn't do a random study, they
23 picked certain businesses to extrapolate, which meant
24 the numbers were going to be much different than if you
25 had a random, took kind of whatever the spinning wheel

1 gave you.

2 And it put the city in a terrible position
3 because they've actually spent money and tried to comply
4 with the order that this Board had put 'em under. And
5 they wanted some more time. And it was clearly not to
6 avoid doing it, but it created an issue that I thought
7 needed to come to the Board, but I also thought it was
8 an issue that highlighted an awful lot of
9 misinformation.

10 And if you'll bear with me, Madam Chair, just
11 for a couple of minutes while I go through that. It
12 turns out that when we heard this item in planning, our
13 Internet delivery system wasn't functioning so people
14 weren't able to hear this discussion. So I beg the
15 indulgence of those that heard part of this before, and
16 I probably won't, I'll probably mess this one up too.

17 But we ended up seeing a lot, or hearing an
18 awful lot of misinformation coming from cities that
19 talked about things like we at the Board have changed
20 the rules for base year studies.

21 That when we did the moratorium, which was
22 instituted by this Board, it was painful for this Board
23 to put in the moratorium, it was because we were seeing
24 new base years come forward that were so bad, that
25 numbers didn't make sense, jurisdictions that had been

1 at seven and seven and a half pounds per person per day
2 were coming in at 40, 35, 40 pounds per person per day.
3 And diversion rates were going through the sky.

4 We were looking at eight hundred pound
5 pallets. Eight hundred pounds credit for each pallet,
6 driving the generation number up so high that you'd
7 never ever have to do a program, and the Board members
8 were aware of that.

9 So we put a moratorium to go through and figure
10 out exactly what was going on and what needed to be
11 done. And as a result of that, information out that is
12 being delivered to cities is that somehow we've changed
13 the rules.

14 Well the rules never changed. When we designed
15 the cert form as part of our working group, it was
16 because there are basically three categories of base
17 year work that goes in to determine what that generation
18 number is.

19 One of 'em is they actually go out and do real
20 audits. And they check that that top number of
21 businesses, and then some other stuff, and they take
22 those numbers down and that becomes the new base year.

23 In the cert form, that doesn't require a whole
24 lot of explanation, you know. Simply saying that we
25 went out and surveyed all those businesses is pretty

1 clear cut and lets our staff know what background work
2 went into that number.

3 The survey work, though, can be done, the
4 extrapolation method can be done a couple of different
5 ways. It can be done randomly, where you just randomly
6 look at different businesses and extrapolate those
7 numbers out across an entire community. And random
8 means random. You didn't preselect, you somehow came up
9 with these entities.

10 That requires an explanation because of the
11 fact that it is random, sometimes you're going to see
12 higher numbers that may not be reflective, but like most
13 things it will work out in the wash.

14 And then we had the extrapolation method where
15 they actually went out and chose certain businesses.
16 And the problem with that is if you know ahead of time
17 that you've got a business that generates a lot of waste
18 and recycles a lot of material, and has programs in
19 place, and you use that as your baseline to start
20 extrapolating out, there is a possibility that you could
21 somehow increase the amount of diversion across that
22 whole sector within a community that really wasn't
23 reflective of the activities.

24 There were other issues that came up like when
25 somebody asked somebody a survey question, do you

1 recycle, do you do this, who does this, who does that?
2 And those businesses refuse to answer. A lot of the
3 consulting firms were just throwing that away as just
4 being non-responsive, when actually it's an indicator of
5 what businesses in the community do. It is part of the
6 fact that there are a lot of people that don't do
7 anything in their course of business to attract.

8 That was an issue that we needed to deal with.
9 But still, we didn't change any rules. What we said is,
10 in your certification form explain to us, so that we
11 know the parameters that you used as you developed that
12 new base year.

13 And what our staff is faced with all the time
14 are sketchy, at best, descriptions of how that work was
15 done.

16 Now the city of Torrance was ready to come to
17 this Board and found out that what was a random survey
18 in fact wasn't a random survey.

19 And when the statisticians that this Board paid
20 to do some work looked at it, it, the math didn't work
21 out and there was no way that they could use that. So
22 they were told like a week or two before it was going to
23 be on the agenda that, in fact, it wasn't right.

24 Well that happens to other jurisdictions out
25 there. And there is so much misinformation provided by

1 certain folks that it seemed relative -- relevant --
2 relative -- I'm sorry, for our Board to set the record
3 straight.

4 We haven't changed the rules. We don't want
5 cities wasting their very, very slim dollars to try to
6 come up with a new base year, and unfortunately using a
7 methodology that is not going to pass muster.

8 I was approached after this meeting or after
9 the committee meeting with, with, people were really
10 puzzled. We used examples in that committee meeting, or
11 I've used examples in a lot of places, that we saw base
12 years that showed, we'll just pick a number out of the
13 sky, 60 acres of grasscycling when, in fact, an acre and
14 a half was really there.

15 We saw eight hundred pound pallets that drove a
16 jurisdiction up just in the pallets of 17,000 tons of
17 pallets in a community at eight hundred pounds per
18 pallet.

19 We saw bread that as the dough came through the
20 manufacturing plant the little bits that didn't go into
21 a pan and got put back into the mixing bowls, which had
22 been a practice since the, since forever, was counted as
23 diversion.

24 And that's pretty amazing when you consider
25 that when this Board looks at that and questions it,

1 somehow we're anti-city.

2 I don't think any city really wants to get that
3 kind of diversion credit. And I don't think it, and I
4 don't think that we do anybody any good by not adhering
5 to AB 939 and the fact that we have the best information
6 available.

7 So we had asked some questions during that
8 meeting, and I'm going to not do that because I think
9 the presentation was good. But I am going to ask one of
10 our committee members, if he wants to, he made a
11 suggestion after hearing the testimony or hearing this
12 presentation that I've thought about a lot, and I didn't
13 tell him I was going to do this ahead of time, but Mr.
14 Cannella had a question that I think is pretty pertinent
15 to this discussion.

16 And with that, Madam Chair, I want to leave
17 that alone.

18 BOARD CHAIR MOULTON-PATTERSON: Okay. Fine.

19 Did Mr. Cannella, did you want to share that
20 with us?

21 BOARD MEMBER CANNELLA: I certainly can't add
22 much to what Mr. Jones talked about. But in the course
23 of the issue being discussed it became very clear to me
24 that the problem didn't lie with the cities but, in
25 fact, was a problem with consultants.

1 And at the point I asked if there was a way or
2 if there was any policy that the Board had where we
3 certified consultants or that we had some input into
4 the -- and I'm struggling to use a word that won't have
5 a lawsuit filed, but that, you know, that was complying
6 with the rules and giving accurate information to their
7 clients so that they were able to meet the mandates to
8 get their permits and to do their compliance and
9 diversion.

10 I still think it's something that we ought to
11 discuss because, as Mr. Jones pointed out, the cities
12 have been paying a lot of money for documents that have
13 no worth at all, and it seems to me that part of our
14 responsibility is to assist cities, to assist the local
15 communities in their mandates.

16 And it would seem to me that it would go a long
17 way if it was possible for us to develop either a list
18 or go through a certification process that would ensure
19 that when a city or a local entity contracts with
20 somebody to provide information that they're getting the
21 best.

22 BOARD CHAIR MOULTON-PATTERSON: Okay. That's a
23 great suggestion. We don't do that, do we? I mean
24 we've never done anything like that?

25 You know, I certainly agree with you that --

1 well, I better be careful too, there are a lot of
2 consultants in this room. But, you know, we try to work
3 with cities and counties where they actually can do it
4 themselves. And if they choose to hire a consultant,
5 you know, that's their decision.

6 But it would be, you know, at least they would
7 know that they're getting someone that has experience in
8 this field. So I appreciate you bringing that up, and
9 we might look at that.

10 BOARD MEMBER CANNELLA: Well since the
11 discussion that we had at the committee meeting, I've
12 given some thought about perhaps doing a workshop about
13 creating a division within the agency that would provide
14 that service, and it will go out to bid with other
15 municipalities or with other folks that provide that
16 service. And I'm sure that we could deliver a better
17 product for a cheaper cost and on a more timely basis.

18 So, you know, I would like to see us engaging
19 in some kind of a conversation, that would certainly
20 take legislation. But to create another division within
21 the Waste Board to provide that type of service.

22 BOARD CHAIR MOULTON-PATTERSON: Mr. Leary,
23 could you get back to us on that?

24 EXECUTIVE DIRECTOR LEARY: I think certainly I
25 will work together with Mr. Schiavo and the legal

1 department, and we'll do an agenda item and kind of work
2 some of these ideas through.

3 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
4 you, Mr. Cannella and thank you, Mr. Jones.

5 BOARD MEMBER JONES: Thank you, Madam Chair.

6 BOARD CHAIR MOULTON-PATTERSON: Any other
7 questions for Ms. Morgan or comments?

8 Okay. Thank you for your report. Okay. We
9 don't have any items on this agenda for executive
10 administrative or policy, but I wanted to give Mr.
11 Medina who is chair of that committee a chance to report
12 if he'd like to at this time.

13 BOARD MEMBER MEDINA: Thank you, Madam Chair.
14 As chair of the Budget and Admin Committee I'd like to
15 report on the following.

16 Our committee heard two items that required
17 voting. Both items, numbers 60 and 62 are of fiscal
18 nature and enjoyed fiscal consent.

19 The committee also heard two presentations, one
20 of the presentations was on the state's Civil Service
21 examination process, and the other presentation was an
22 overview of the Board's Office of Integrated Education.
23 We heard from the deputy director who covered the
24 Board's mandates and programs in education.

25 And it's very reassuring to know that the Board

1 has an office dedicated to the implementation of
2 environmental education. As we all know, education is
3 an integral part of our mission. So that was a very, a
4 very excellent presentation.

5 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
6 you, Mr. Medina. And I understand that your committee
7 will be asking for a report on our fleet vehicles, you
8 know, what steps are needed to move towards a fuel
9 efficient, as we replace cars that our employees use.
10 Mr. Cannella had brought that up to me and I would
11 certainly be very interested.

12 And so if you, as chair of the budget
13 committee, could schedule a report on that, I think we'd
14 be very interested.

15 BOARD MEMBER MEDINA: Certainly, that's going
16 to be scheduled in the very near future.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
18 you, Mr. Medina.

19 Okay. Next we'll call on Mr. Paparian, chair
20 of the P&E Committee.

21 BOARD MEMBER PAPARIAN: Thank you, Madam
22 Chair. I covered a little bit of this in my opening
23 comments.

24 BOARD CHAIR MOULTON-PATTERSON: Right.

25 BOARD MEMBER PAPARIAN: But I'll go over what

1 we did in the P&E Committee.

2 We heard nine items at the P&E Committee.

3 Several of them are going to be discussed again here in
4 a few minutes, but I'll just go through the items very
5 quickly.

6 Item 45 the Florin-Perkins Landfill, we're
7 going to hear that in a few minutes, and hear an update
8 about where things stand with that.

9 The item 46 was the Stonyford Landfill, we
10 approved that item on consent a few minutes ago.

11 Item 47 we pulled from consent and we'll take a
12 look at the issues there in a few minutes.

13 Item 48 was the public hearing on the proposed
14 regulations for the waiver of permit terms and
15 conditions during temporary emergencies. We held that
16 public hearing, and we expect this item to come back in
17 the next few months for further consideration.

18 Item 49 was the public hearing on the proposed
19 waste tire monofill regulations. Again we held that
20 hearing and expect that item to come back again in the
21 next few months.

22 And I'll note on that item that some of the
23 residents near Copperopolis who have some specific
24 concerns about those regulations were unable to attend
25 that hearing, but our staff is in communication with

1 them to hear their concerns.

2 Item 50 was the adoption of the negative dec
3 and the proposed regulations for the compostable
4 materials. We're going to hear that item in a few
5 minutes.

6 Item 51 was the adoption of regulations for the
7 inventory of solid waste facilities which violate state
8 minimum standards. We approved that on the consent
9 calendar.

10 And item 52 related to the landfill closure and
11 post closure maintenance regulations. The committee
12 directed that those go out for an additional fifteen day
13 comment period.

14 And finally item 53, the C&D regs. What we did
15 with those was give the staff some general direction and
16 ask them to come back in December with a proposal.

17 And the suggestions that we gave to staff were
18 that we have initially a registration tier starting at a
19 hundred tons, but that that registration tier eventually
20 phase out so that everybody at some point in time in the
21 future over a hundred tons would be required to get a
22 full permit.

23 We want to make sure that the time period
24 allowed to get the full permit is fully adequate for
25 those facilities to get the permit without having to go

1 out of business.

2 We heard some testimony that it takes as long
3 as two and a half or three years from the time you
4 initiate the process until the time you get a full
5 permit. If that's accurate then, you know, it might
6 indicate that we need a fairly long time to allow people
7 to get in with the full permit. But I think staff is
8 going to be looking a little bit further at that and
9 what an appropriate time period would be.

10 The definition issue, the staff after visiting
11 a number of facilities around the state had some
12 suggestions on definitions that the committee was
13 comfortable with, and then -- yeah, I think those were
14 the major issues that we covered.

15 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
16 you very much, Mr. Paparian.

17 And with that we'll take up item 45 and I'll
18 turn it over to Mr. Walker.

19 MR. WALKER: Thank you. Scott Walker,
20 Permitting and Enforcement Division.

21 Item 45 is consideration of a revised solid
22 waste facilities permit, transfer processing facility
23 for the Florin-Perkins Landfill, Incorporated Material
24 Recovery Facility and Transfer Station, Sacramento
25 County.

1 The proposed revised permit would change the
2 hours of operation. It would also incorporate
3 additional mechanical processing equipment.

4 Expand the transfer processing area from 1.5 to
5 2.5 acres.

6 And also update the report of facility
7 information to reflect the current operations.

8 This permit would also enhance environmental
9 control at this facility by incorporating some more
10 stringent LEA conditions.

11 It's important to note that the total permitted
12 boundary and the tonnage or waste types accepted are,
13 will not change in this proposed revised permit.

14 The Permitting and Enforcement Committee
15 forwarded this item to the Board with a recommendation
16 to object to the issuance of a proposed permit based on
17 an issue with the facility boundary. At the time of the
18 committee meeting Board staff was unable to confirm the
19 permit facility boundary in the field based on the
20 pre-permit inspection.

21 Staff was able to confirm in the field
22 yesterday that the operator, with the LEA, has
23 subsequently corrected this problem, so the boundary is
24 clearly defined and verified in the field.

25 Therefore, all required findings can be made,

1 and staff is now able to recommend concurrence.

2 I'd like to also point out that the operator
3 had requested and the LEA had changed one proposed
4 permit condition which is to change the restriction from
5 two percent putrescible waste to four percent
6 putrescible waste on a daily basis. This change is
7 noted on the revised attachment one, page one, item 4C,
8 which has been handed out to Board members.

9 There is no current permit condition to
10 restrict putrescible waste, so this would add a more
11 stringent condition than currently the operation is
12 operating under.

13 This change is consistent with the existing
14 CEQA document and staff does not have a problem with
15 this change.

16 In conclusion, staff recommends adoption of
17 Resolution 2002-641 to concur in the issuance of the
18 revised solid waste facilities permit for the
19 Florin-Perkins Landfill, Incorporated Material Recovery
20 Facility and Transfer Station.

21 In addition to the facility operator, Board and
22 LEA staff are available to answer any questions that the
23 Board may have.

24 That concludes my presentation.

25 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank

1 you, Mr. Walker. We had a possible speaker if need be.
2 I'm not sure if they want to speak since they've heard
3 the recommended action.

4 I'm sorry, I can't read your writing here.

5 It's Jeff, is it Shafer?

6 MR. SHARFF: (Shook head.)

7 BOARD CHAIR MOULTON-PATTERSON: Oh, okay, so
8 you're fine.

9 Mr. Paparian.

10 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.
11 The issue that came up in committee was this issue of
12 the boundary and being able to go out there and
13 determine what's in the boundary affected by the permit
14 and what's outside the boundary.

15 So I just wanted to, Scott, you said that
16 that's been cleared up.

17 MR. WALKER: Right.

18 BOARD MEMBER PAPARIAN: So just to be clear, if
19 an inspector were to go there today, would they be able
20 to tell where the line is so they would know what's in
21 and out?

22 MR. WALKER: Correct. Yes.

23 BOARD MEMBER PAPARIAN: Is it marked in some
24 way or how would they --

25 MR. WALKER: There was a survey completed

1 yesterday, and I believe there is a barrier. If staff
2 would like to clarify further we can certainly do that.

3 But there is a clear barrier there, and a
4 survey that we are confident that an inspector can
5 clearly determine and enforce clearly, and that they
6 would be in compliance now with.

7 MS. MADISON-JOHNSON: Yes, Mary Madison-Johnson
8 from Permitting and Inspection.

9 There are permanent markers on the corners of
10 the property encased in cement, and there's a barrier
11 along the back side of the property that was in
12 question.

13 So it's very clear now. Any LEA or Board staff
14 go out there, we're clear.

15 BOARD MEMBER PAPARIAN: Okay. Thank you.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you. Did
17 you wish to move the resolution, Mr. Paparian, or would
18 you like somebody else to do it? I don't think we had
19 any other questions.

20 BOARD MEMBER PAPARIAN: I'll go ahead and move
21 it.

22 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
23 you. I'll second it.

24 We have a motion to approve Resolution 2002-641
25 by Mr. Paparian, seconded by Moulton-Patterson.

1 Please call the roll.

2 BOARD SECRETARY WADDELL: Cannella?

3 BOARD MEMBER CANNELLA: Aye.

4 BOARD SECRETARY WADDELL: Jones?

5 BOARD CHAIR JONES: Aye.

6 BOARD SECRETARY WADDELL: Medina?

7 BOARD MEMBER MEDINA: Aye.

8 BOARD SECRETARY WADDELL: Paparian?

9 BOARD MEMBER PAPARIAN: Aye.

10 BOARD SECRETARY WADDELL: Moulton-Patterson?

11 BOARD CHAIR MOULTON-PATTERSON: Aye. Okay.

12 We had 47 that was pulled from consent, I

13 believe because we had some new correspondence.

14 Mr. Walker.

15 MR. WALKER: Thank you. Item 47 is

16 consideration of a revised full solid waste facilities

17 permit disposal facility for the Western Regional

18 Sanitary Landfill in Placer County.

19 And Mark De Bie will provide a brief staff

20 presentation and we will be able to respond to questions

21 that you may have.

22 Thank you.

23 MR. DE BIE: Thank you, Scott. Mark de Bie

24 with the Permitting and Inspection Branch.

25 A full discussion of this item was presented at

1 committee, so I'll just give you a brief overview of the
2 requested changes in this permit, and they are on page
3 three of the agenda item under "key issues" is a summary
4 of these changes.

5 There's a change in elevation.

6 An adjustment of the depth of the waste.

7 Recalculation of the overall design capacity.

8 And with that, recalculation of the estimated
9 closure date.

10 Staff has seen a copy of the correspondence
11 that was noted by the Board members that was received
12 last night, and we have reviewed it.

13 And I'll just provide a summary of the three
14 issues that staff have identified in it, and then we'll,
15 I'll pass this onto Kathryn Tobias to respond to the
16 noticing question, and then the LEA and operator would
17 like an opportunity to respond to the other questions.

18 Basically staff have identified three key
19 issues in the correspondence. One is relative to
20 noticing and whether or not the LEA and/or the Board had
21 properly noticed this meeting, and the item being heard.

22 I'm just looking at who it was who indicated
23 that. The question was whether or not the law firm and
24 the individuals represented by the law firm in the
25 letter had actually received special notice.

1 The second issue speaks to the CEQA
2 documentation and the status of the lawsuit. This was
3 discussed in the committee, and there's information in
4 the agenda item relative to the CEQA and documentation
5 and the status of those documents.

6 It remains staff's finding that the status of
7 the CEQA documentation in terms of litigation is not a
8 factor in limiting the Board's ability to approve this
9 permit today. There is no injunction, and so the Board
10 is free to approve this permit if they wish.

11 The third issue has to do with technical issues
12 in the joint technical document or the report of
13 disposal site information. And I'm going to again refer
14 to the LEA and the operator to give you more details on
15 that.

16 But relative to the first issue and noticing, I
17 will defer to Kathryn Tobias.

18 BOARD MEMBER PAPARIAN: Madam Chair.

19 BOARD CHAIR MOULTON-PATTERSON: Before we turn
20 to Ms. Tobias, Mr. Paparian.

21 BOARD MEMBER PAPARIAN: Yeah, I wonder if, just
22 as a further basis for understanding this letter, if
23 either Mr. Hamill or anybody representing the Placer
24 Ranch folks is in the audience and would like to
25 elaborate on the contents of the letter?

1 It doesn't look like there's anybody here from
2 either the law firm or otherwise representing Placer.

3 Okay.

4 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
5 you, Mr. Paparian.

6 Ms. Tobias.

7 CHIEF LEGAL COUNSEL TOBIAS: As you'll notice
8 in the letter that you received last night, faxed last
9 night, I guess received this morning, on page two the
10 representatives of Placer Ranch indicate in the second
11 paragraph on page two,

12 "As you should be aware,
13 Section 11125 of the Government Code
14 requires a state agency to provide
15 notice of its meetings to any person
16 who requests notice."

17 The actual statute says that,

18 "The state body shall provide
19 notice of its meeting to any person
20 who requests that notice in
21 writing."

22 We have not received a request in writing from
23 this group of citizens or this, from Placer Ranch or
24 from the Litigation Associates who sent the letter.

25 They have indicated this, they have brought

1 this issue up in the past when this item has been in
2 front of us before. And we have said in the record that
3 their request to us does need to be in writing.

4 And in fact, we did send a letter to them in
5 the spring of 2001 indicating that any communication
6 that they had with us should be sent to Michael Bledsoe
7 so that it was clear that they had a person to basically
8 correspond with so that we would get any of their
9 letters or concerns and know where that letter of
10 concern should go.

11 They actually did receive notice from the LEA,
12 the, Eric Bryant, who is the representative of Placer
13 Ranch, was sent e-mail notice, both of the P&E Committee
14 on November 12th and of the Board meeting today. So
15 they have actually received notice of it.

16 And we have, we do not have anything in writing
17 that indicates that they have requested it. As you also
18 know, all of our meeting notices are posted on the
19 Internet, and we have talked to them about that before,
20 that those notices are there.

21 So I don't think that there is an issue that
22 should cause the Board concern about the noticing of
23 this particular meeting.

24 I would also point out on the CEQA issue that
25 Mark alluded to with respect to their letter basically

1 indicates that because the matter is under litigation
2 that the Board should postpone their decision.

3 In fact, the law is just the opposite. And the
4 law says that if there is no formal order that has been
5 entered declaring a CEQA document invalid, then the
6 document is presumed to comply with CEQA.

7 In addition, if there's no injunction, the
8 responsible agencies shall act on a project. The
9 applicant takes the risk.

10 So basically what the law does in CEQA is
11 presumes that the document is valid until a final order
12 has been entered by the court. So in fact, the Board
13 must go ahead and basically act on it. We can't use
14 pending litigation as a way to postpone an action.

15 Does the Board have any questions?

16 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

17 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

18 So I made my own little outline of what I
19 gleaned from the letter, and I just wanted to go through
20 it real quickly.

21 In terms of whether we violated any noticing
22 requirements, the basic situation is you're saying no,
23 we didn't violate any noticing requirements.

24 CHIEF LEGAL COUNSEL TOBIAS: Correct.

25 BOARD MEMBER PAPARIAN: And then in terms of

1 whether the LEA had any noticing requirements that were
2 violated in some way, we're not aware of anything where
3 the LEA should have notified?

4 CHIEF LEGAL COUNSEL TOBIAS: Yes, although the
5 LEA did notify them there was a hearing, so they had
6 what we call actual notice, not legal notice. But they
7 do know that a hearing is taking place today, and they
8 knew that ahead of both the committee meeting and the
9 Board meeting.

10 BOARD MEMBER PAPARIAN: Okay. And then it
11 suggests in the letter that if we were to violate this
12 notification section that the individual Board members
13 could be subject to a misdemeanor, and that we could be
14 subject to criminal fines, penalties, and other
15 unpleasant consequences.

16 I don't know what an unpleasant consequence
17 might be in this context.

18 CHIEF LEGAL COUNSEL TOBIAS: I don't know
19 either. Those are the penalties that are specified in
20 the Bagly-Keene Act for violation of the Bagly-Keene
21 Act.

22 BOARD MEMBER PAPARIAN: But I'm hearing from
23 you with confidence that we are not anywhere near such a
24 violation that would lead us to such unpleasant
25 consequences?

1 CHIEF LEGAL COUNSEL TOBIAS: No.

2 BOARD MEMBER PAPARIAN: The permits are
3 generally subject to a timeline. There is a request at
4 the end of the letter that we postpone action on this
5 permit. But my understanding is that we have sixty days
6 typically from the receipt of a permit to act on the
7 permit.

8 So I just want to confirm the timeline so we
9 know whether, within that timeline, it's possible to
10 defer action on this.

11 MR. DE BIE: I'll take that one, Mark de Bie
12 again.

13 On page two of your agenda item we typically,
14 staff typically includes an indication of when the
15 proposed permit was received, and then our calculation
16 of sixty days from that so that the Board is aware of
17 the timeframe involved.

18 And looking at that, we received the proposed
19 permit on September 23. So sixty days, which is the
20 timeframe for the Board to act, expires on November
21 22nd. So the Board has till November 22nd to act on
22 this particular proposed permit.

23 If the Board fails to act by this November
24 22nd, then by rule of law in effect the Board is deemed
25 to have concurred on the permit and the LEA is free to

1 issue it.

2 BOARD MEMBER PAPARIAN: Okay. And then
3 finally, the staff's response to the suggestion in the
4 letter that there is a statutory basis for denying the
5 permit based on the joint technical document is not, you
6 don't see a basis in that?

7 MR. DE BIE: We've been conferring quite a bit
8 this morning with the LEA and the operator, and so I
9 personally don't have all of the details, but I, Dave
10 Altman from Placer County LEA is ready to give you some
11 detail on this particular issue on the JTD and the
12 appropriate numbers that should be in there if you'd
13 like to hear his presentation.

14 BOARD MEMBER PAPARIAN: We probably should get
15 that on the record.

16 BOARD CHAIR MOULTON-PATTERSON: Yes. Do any
17 other Board members have any questions before we hear
18 from the LEA or the operator?

19 Seeing none, I don't have any speaker slips.
20 What are the names, please, Mr. De Bie?

21 MR. DE BIE: The names?

22 BOARD CHAIR MOULTON-PATTERSON: Of the people
23 who want to speak.

24 MR. DE BIE: Dave Altmann from LEA, Placer
25 County LEA. And then he may need to defer to someone

1 from the operator, but I'll let him do that.

2 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.
3 Altman?

4 MR. ALTMAN: David Altmann, Placer County LEA.

5 BOARD CHAIR MOULTON-PATTERSON: Thank you. Did
6 you wish to present anything or are you just ready for
7 questions at this point?

8 MR. ALTMAN: Briefly first I'd like to make a
9 correction.

10 BOARD CHAIR MOULTON-PATTERSON: Okay.

11 MR. ALTMAN: The LEA provided the Placer
12 Ranch's attorney through our counsel a copy of the
13 proposed permit when it was submitted to the Waste Board
14 as required by Title 27.

15 It's my understanding that the operator was the
16 one who provided notice of the meetings versus us.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
18 you for that correction.

19 MR. ALTMAN: It is the LEA's understanding that
20 in order for a notice, or for a application for a permit
21 to be correct and complete that the documents must be
22 consistent with the environmental document.

23 The original submittal of the JTD contained
24 numbers based on more current information, however,
25 because of the time lapse between the preparation of the

1 environmental document and the JTD, those numbers, the
2 numbers in the environmental document were actually out
3 of date, a little behind.

4 The overall capacity of the site is not
5 changing, but the quantities of waste that are indicated
6 that are received annually is what's changing and what's
7 being questioned in Placer Ranch's document.

8 The revisions in the last version of the
9 document basically make the JTD consistent with the
10 environmental document.

11 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
12 you.

13 Questions?

14 Mr. Cannella.

15 BOARD MEMBER CANNELLA: I just have a
16 question. In the letter this says that there's court
17 action pending. I thought at the committee meeting when
18 I asked if there was litigation pending the answer was
19 no. Am I mistaken?

20 MR. ALTMAN: The question that was asked is
21 whether there were any stays, and the answer was no,
22 there are no stays preventing us from moving forward or
23 preventing the operator from moving forward with his
24 proposed activities.

25 There are three litigations in process. One

1 has boiled down right now to basically attorney fees.

2 There are litigations regarding the CUP and the
3 Placer County Board of Supervisors' actions in that
4 regard as it relates to the CUP.

5 And litigation regarding the CEQA document.

6 BOARD MEMBER CANNELLA: Okay. Thank you.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you. I
8 see no other questions for you. Thank you, Mr. Altmann.

9 BOARD MEMBER PAPARIAN: Madam Chair, I do want
10 to follow up, I'm not sure if the LEA might want to
11 stick around for a second.

12 BOARD CHAIR MOULTON-PATTERSON: Okay.

13 BOARD MEMBER PAPARIAN: But my basic question
14 on the JTD was that the letter we received suggested
15 there was a statutory basis for denial of the permit
16 based on issues involving the JTD. And I just, Mark,
17 you were, you wanted to hear, I think, from the LEA
18 before responding to that issue.

19 MR. DE BIE: The LEA has explained why there
20 are, why the JTD changed over time. Staff is confident
21 that the JTD is complete and correct, which is a finding
22 that needs to be made by the LEA and then confirmed by
23 the Board. The application is correct as far as we can
24 tell.

25 The permit does not include any reference to

1 annual tonnage which is an issue brought out in the
2 letter, or in current remaining capacity, that's not an
3 issue in the actual permit. The overall capacity is the
4 figure plus daily tonnage, those sorts of things. And
5 those have not been affected by this.

6 So staff's view is that, that the numbers in
7 the JTD are correct, they do aid the LEA as well as
8 Board staff in understanding what the project is, which
9 is a function of those, of that calculation.

10 And staff's also aware that, as Dave indicated,
11 you put a number in and in a matter of weeks, you know,
12 the situation is different. So you could indicate that
13 the remaining capacity is X, and then two months later
14 it's less because you've filled in an area. So it's a
15 moving target anyway.

16 So an expectation that a JTD will freeze
17 operations and allow the permit to be acted on, it
18 doesn't match with reality, you know. If the JTD
19 reflects the current state when it was submitted, and
20 then if it takes a number of months for the permit to
21 come forward, things change.

22 What staff is looking for is, does it still
23 make sense? Does it still reflect what's happening on
24 the ground? And we're confident that this document is
25 complete in that regard.

1 BOARD MEMBER PAPARIAN: So in terms of the
2 question about whether there's a statutory basis for
3 denying the permit, you don't see a statutory basis for
4 denying the permit based on the issue involving the JTD?

5 MR. DE BIE: I do not.

6 BOARD MEMBER PAPARIAN: Okay. Thank you.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you.

8 With that, I see no other questions.

9 Mr. Jones.

10 BOARD MEMBER JONES: Thanks, Madam Chair. I
11 don't think, does the county, they had indicated maybe
12 the operator, but does the operator want to hear a
13 motion or do they want to put something on the record?

14 Okay. Just thought I'd check.

15 I just want to say that Altman is, I used to
16 have oversight fiscal responsibility for the operation
17 of that landfill, and he is a tough LEA. And you need
18 to know that. And this thing with Placer Ranch has been
19 going on since day one. So it has never been easy in
20 Placer County.

21 I want to move -- and it is a good landfill.

22 I want to move adoption of Resolution 2002-643
23 Revised, the consideration of a revised full solid waste
24 facilities permit for Western Regional Sanitary Landfill
25 in Placer County.

1 BOARD MEMBER MEDINA: Second.

2 BOARD CHAIR MOULTON-PATTERSON: Okay. We have
3 a motion by Mr. Jones, seconded by Mr. Medina to approve
4 Resolution 2002-643 Revised.

5 Please call the roll.

6 BOARD SECRETARY WADDELL: Cannella?

7 BOARD MEMBER CANNELLA: Aye.

8 BOARD SECRETARY WADDELL: Jones?

9 BOARD CHAIR JONES: Aye.

10 BOARD SECRETARY WADDELL: Medina?

11 BOARD MEMBER MEDINA: Aye.

12 BOARD SECRETARY WADDELL: Paparian?

13 BOARD MEMBER PAPARIAN: Aye.

14 BOARD SECRETARY WADDELL: Moulton-Patterson?

15 BOARD CHAIR MOULTON-PATTERSON: Aye. We will
16 take a ten minute break before we hear item 50.

17 (Thereupon there was a brief recess.)

18 COMMITTEE CHAIR JONES: Okay. We'll go ahead
19 and start. I have no ex-partes.

20 Mr. Medina, any ex-partes?

21 BOARD MEMBER MEDINA: One ex-parte from Jack
22 Macy, San Francisco Department of the Environment.

23 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.
24 Paparian?

25 BOARD MEMBER PAPARIAN: None.

1 BOARD CHAIR MOULTON-PATTERSON: Mr. Cannella?

2 BOARD MEMBER CANNELLA: None to report, Madam
3 Chair.

4 BOARD CHAIR MOULTON-PATTERSON: Okay. We're,
5 that brings us to item 50.

6 Mr. Walker.

7 MR. WALKER: Thank you. Item 50 is
8 consideration of the adoption of negative declaration,
9 state clearinghouse number 2002092005, and proposed
10 regulations for the compostable materials handling
11 operations and facilities requirements.

12 This item is a culmination of the Board's
13 extensive four year effort to revise and update
14 composting and chipping and grinding regulations and
15 permitting requirements. Senate Bill 88 enacted in 2001
16 requires the Board to adopt regulations that address
17 odors at composting sites by April of 2003. Otherwise
18 jurisdiction over odors would revert to the local air
19 pollution control districts.

20 Adoption of the regulation package before you
21 today is required in order for staff to ensure
22 confidence in meeting the SB 88 mandate.

23 After the initial 45 day comment period, the
24 Permitting and Enforcement Committee considered and
25 approved two additional comment periods for changes to

1 this regulation package.

2 The Permitting and Enforcement Committee
3 recommended, by a vote of three to one, at the November
4 12th meeting to adopt a negative declaration and
5 regulations with no further comment period.

6 No comments were received on the negative
7 declaration.

8 It is important to point out that upon
9 conclusion of this regulatory effort, staff will be
10 implementing a phase two effort to address a number of
11 emerging issues that are beyond the scope of this
12 rulemaking package.

13 These issues include persistent pesticides such
14 as Clopyralid, plant pathogens such as sudden Oak death,
15 treated wood and metal standards, and avian and
16 mammalian flesh composting.

17 In addition, based on comments received by the
18 Alameda County Waste Management Authority, the committee
19 directed staff to address the issue of appropriate
20 regulatory oversight for small quantity facilities.

21 I'd like to point out that we did some outreach
22 to LEAs on the proposed request on behalf of Alameda
23 County Waste Management Authority to increase the
24 exclusion level to a thousand cubic yards.

25 And Greg Peery, who is the chair of the

1 Enforcement Advisory Committee of the LEAs, has written
2 back that they're really not, that he in review is not
3 supportive at that time of increasing to a thousand
4 cubic yards. And so we have had some input, specific
5 input in that area. But clearly this is a topic that
6 would be added into the phase two effort.

7 Also in the interim, staff will work directly
8 with LEA's and some of the small facility operators to
9 assist them in complying with these regulations. And we
10 already have some communications ongoing, and we have
11 made some progress. We feel confident that they will
12 clearly be able to continue operating under these
13 regulations.

14 I'd like to also point out that we received a
15 late comment yesterday, it was directed to the Chair
16 Linda Moulton-Patterson, it was from Mike Mohajer of the
17 L.A. County Department of Public Works. And he
18 reiterated a couple of comments that he's had.

19 First being that, the need for definition of
20 stockpiling.

21 And staff basically does not feel it's
22 necessarily to separately define stockpiling as it's a
23 term that's ordinarily used, and it's also not, there's
24 no concerns with that term with regard to LEAs and other
25 operators have been expressed to us.

1 However, as requested in the comment, we are
2 clarifying the stockpiling term in the final statement
3 of reasons.

4 The second comment is regarding the need to
5 include diversion reporting in this regulation package.

6 And this is beyond the scope of this regulation
7 package. That issue is within the SB 2202 work plan and
8 the DRS, Disposal Reporting System regulation process.
9 So it's beyond the scope of this reg package.

10 In conclusion, staff recommends the adoption of
11 Resolution 2002-644 for the negative declaration, and
12 adoption of Resolution 2002-645 for the proposed
13 regulations for the compostable materials handling
14 operations and facilities requirements.

15 Board staff are available to answer questions
16 and that concludes my presentation.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. Any
18 questions before we have our speakers?

19 Seeing none, we have two speaker slips. Steve
20 Kavelage, Sacramento County LEA.

21 MR. KAVELAGE: Good morning. My name is Steve
22 Kavelage, I represent the Sacramento County Local
23 Enforcement Agency.

24 I wanted to make a general comment, because I
25 was here on the 12th and I did hear the discussion at

1 the P&E Committee. And that general comment is, as an
2 LEA and as an LEA that has dealt with a particularly
3 contentious composting site that did create odors that
4 impacted an adjacent neighborhood, we've been anxiously
5 awaiting these changes. I think they'll make us more
6 effective as an LEA.

7 And the discussion of removing the requirement
8 from certain levels causes me concern. The discussion
9 of, if the LEA wants at a later date they can implement
10 certain things, gives me some concerns.

11 I don't think the requirements as proposed are
12 going to be that onerous for individuals. I think
13 they're fairly readily easy to meet. And I would prefer
14 to see them up front rather than deal with a situation
15 that might blow up and cause us some public concern
16 funneled to us, and then we would start implementing
17 something that could take days, weeks, or months to
18 correct.

19 So I guess in a general sense what I'm saying
20 is I support the recommendation and would like to see it
21 move forward. We've waited a long time to do a very
22 effective job in reviewing these, and I'd like to see it
23 concluded as soon as possible.

24 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
25 you very much for your comments.

1 Mike Mohajer, Los Angeles County Department of
2 Public Works.

3 MR. MOHAJER: Good morning, Madam Chairs,
4 member of the Board.

5 Madam Chairs, during the break period I talked
6 with Mr. Walker, and we agreed that as long as the
7 statement of reason indicate that the stockpiling
8 constitute aboveground disposal and not real disposal
9 for the purpose of measuring diversion for AB 939, then
10 I would be withdrawing my oppositions.

11 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
12 you.

13 Okay. Board members?

14 Mr. Jones.

15 BOARD MEMBER JONES: Madam Chair. I know that
16 there's been a lot of discussion on delaying this
17 thing. I know that Alameda County and San Francisco and
18 others want the flexibility for some of their small
19 operations. But as I said in the committee meeting, we
20 had been facing the South Coast Air District rule on PR
21 1133 which was supposed to be heard December 6th.
22 That's been, that's been moved back, I understand, to
23 sometime in January.

24 One of the cornerstones of the working
25 relationship between the South Coast Air District and

1 our Board, led by you, Madam Chair, is that, the
2 development of these regulations and the development of
3 an odor minimization plan.

4 And when all of the correspondence and
5 testimony that I hear from the city of San Francisco and
6 the city of Alameda -- or the County of Alameda deals
7 with a waiver, a relaxing of that odor minimization plan
8 requirement.

9 And it just goes to the heart of a bigger issue
10 statewide which is, I think, you know, the viability of
11 composting in this state as a tool in AB 939. Because
12 if the South Coast prevails, we may be looking at
13 buildings which means we're not looking at any
14 composting, or other measures that are going to, that
15 are going to really affect. And once they affect
16 Southern Cal they're going to affect the rest of the
17 state.

18 And I think we really owe it to ourselves to
19 instruct our staff to work closely with Alameda County
20 and the city of San Francisco and whoever the other
21 folks were to figure out a way to deal with some of
22 their issues, but never relax the issue of the odor
23 minimization plan, because that's what our complaints
24 are about.

25 That's when people come forward, like Mr.

1 Kavelage talked about with Leona Dykis. We had people
2 here that were here talking about odor. It wasn't the
3 operator that created the odor, it was the County of
4 Sacramento and the way they collected the green waste by
5 leaving it in containers for two weeks to turn
6 anaerobic. That's what the source of the odor was.

7 So we've got to get these regs out. And I
8 understand there are jurisdictions that would like us to
9 wait, and I know that there are, you know, that we're
10 always trying to work with those jurisdictions, but I'm
11 worried about the timeline. I'm worried about our
12 commitment to PR 1133.

13 And I'm also worried about the fact that there
14 were an awful lot of stakeholders involved in the
15 formation or the, all the workshops on these regs to get
16 'em to a point where they had -- I don't think everybody
17 walked out real happy, but everybody walked out happy
18 enough that they took care of everybody's, you know --
19 what do they say? If you make everybody mad you've
20 probably done a pretty good job. So everybody was a
21 little bit disappointed.

22 I just, as much as I applaud Alameda County and
23 the city of San Francisco, I just cannot get around the
24 idea that we are jeopardizing our negotiations on PR
25 1133 if we don't put these things forward today as

1 approved.

2 So that we're able, Madam Chair, you and I when
3 we're down there in front of that Board, are able to
4 show what we've done. Without this we might as well not
5 even show up. So --

6 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
7 you, Mr. Jones.

8 Mr. Paparian, and then Mr. Medina.

9 BOARD MEMBER PAPARIAN: Thank you,
10 Madam Chair.

11 Alameda County did bring up some very important
12 concerns. And I see Pete Price in the back of the room,
13 and he's done an outstanding job of articulating those
14 concerns and trying to work them through.

15 The package we have before us today, as I'm
16 understanding some of the concerns that have been
17 raised, there are some differences in terms of the
18 actual wording of the regs, but there's also some
19 differences in terms of the application of the regs;
20 whether they would have, whether they would impact
21 certain facilities in a certain way, or whether they
22 would impact 'em in a different way.

23 And I think that, you know, until they're
24 actually out there and in operation we won't actually
25 see if, if, you know, our staff is right in suggesting

1 how they're going to be applied. Or if some of the
2 folks who have raised some concerns about them are right
3 in how they're going to be applied.

4 And I think that's why in the second round it's
5 going to be important to maintain some flexibility to
6 make adjustments if we see the regs being applied in a
7 way that doesn't make sense.

8 So I'm hoping that Alameda County, San
9 Francisco, and others who have raised concerns will
10 continue to be vigilant in letting us know if there are
11 issues that need to be addressed in the application of
12 the regs, and whether there's any tweaking that's going
13 to be necessary as we come forward with the revised regs
14 so that we can make adjustments to make them work as
15 well and as efficiently as possible in meeting the
16 intent that we certainly have in assuring that these
17 facilities are the best that they can be.

18 So I think we're going to need to continue to
19 do some work on these, but I think that the package we
20 have before us is ready for adoption.

21 I am concerned and I share Mr. Jones' concern
22 that if we don't move forward we're going to lose our
23 opportunity to adopt these regs this cycle. We would
24 essentially have to start over again, and that could
25 take many, many months, and that could create us many,

1 many months of problem in addressing some issues around
2 the state.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
4 Paparian.

5 Mr. Medina.

6 BOARD MEMBER MEDINA: I concur with both Board
7 Member Jones and Board Member Paparian. The message
8 that I received from the city of San Francisco was a
9 request for an additional fifteen days so that they
10 would have time to make some minor adjustments.

11 However, given the fact that these went out for
12 a 45 day public comment period followed by two
13 additional fifteen day public comment period, I think
14 that we need to move forward with 'em.

15 And as both Board members have stated, and I
16 myself am also supportive of that, that we continue to
17 work with the city and County of San Francisco and
18 Alameda County as well in regard to some of their
19 concerns.

20 We are sensitive to their concerns, but we need
21 to move forward with this reg package.

22 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
23 Medina.

24 And I have to very strongly agree with all of
25 you. And having, along with Mr. Jones, been down to

1 talk with the South Coast AQMD, this is a very serious
2 issue, and I think we would send a very negative message
3 if we did anything other than go out on these, adopt
4 these.

5 And I'll turn it over to Mr. Jones -- oh, I'm
6 sorry, Mr. Cannella.

7 BOARD MEMBER CANNELLA: Yeah. Madam Chair, I'm
8 the negative vote from the policy committee on this
9 issue. And let me assure you and the folks in the
10 audience that it had nothing to do with the process or
11 the regulations.

12 It just seemed to me as we were discussing
13 issues with the C&D that we were trying to create a
14 program that would allow folks to get in at staggered
15 times, and I thought that we might be able to apply that
16 to this regulation as well.

17 But again, I'm not opposed to the regulations.
18 I'm certainly not opposed to adopting them. My only
19 reason for voting no was to try and keep the dialogue
20 going on perhaps finding a way to allow the folks that
21 do the composting an opportunity to be staggered in as
22 opposed to having to comply the day after the
23 regulations are approved.

24 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
25 Cannella.

1 Mr. Jones.

2 BOARD MEMBER JONES: Madam Chair, can I ask a
3 question before I make a motion?

4 BOARD CHAIR MOULTON-PATTERSON: Certainly.

5 BOARD MEMBER JONES: What are the, Scott or for
6 Sue or Jeff or any of you folks, the city of, or the
7 County of Alameda and the city of San Francisco, you
8 know, have both been, you know, continually contacting
9 our Board and, you know, our Board wants to do, it's
10 pretty obvious by all the statements here from all of us
11 that we want to continue to work but that there's an
12 overriding issue of time in getting these regs out.

13 These new issues that the city of San Francisco
14 is talking about, these minor issues, is that something
15 we can address quickly in that second round? I mean can
16 we make sure? Because I think Mr. Cannella's concern
17 about everybody getting thrown in right away is
18 obviously a valid one but one that we need to be working
19 through.

20 And the reality is we're going to approve these
21 regs, and it's going to take a while to get these into
22 some kind of a format. At the same time will you be
23 able to be working with -- or let me put it differently.

24 Would you, after hearing these Board members
25 talk about our concerns for Alameda County and the city

1 of San Francisco and others, be working with them
2 aggressively to try to figure out in this interim what
3 those little things were, and there may be a way to deal
4 with them?

5 Although I'm not saying I'm the ointment, I am
6 rock solid. I mean you need to know there's no way that
7 that can be variable, and I don't want to speak for all
8 the members, but I think I've heard all the members
9 realize how important that is. But I'm talking about
10 some of this little stuff that maybe you could keep us
11 informed.

12 MR. WALKER: Absolutely. We are a two-fold
13 approach. We're working on, directly on the specific
14 facilities of concern to assist them.

15 And then on the phase two, certainly the issue
16 of the small facilities exemptions would be within the
17 priority of the rest of the issues that we had on there
18 at the top of the list.

19 So we are working with them and we will report
20 back, in fact the committee did ask us to periodically
21 report back on our progress, and implementation in
22 particular for these jurisdictions, and we will do that.

23 BOARD MEMBER JONES: Yeah, I mean I think it's
24 critical because I'm going to make a motion here that's
25 going to take, it's going to require members to make

1 votes, where I think if we didn't have time constraints
2 we'd prefer to wait a little bit longer to take care of
3 a couple of these small issues, but we just don't have
4 the time. We've run out of time and I don't think it's
5 fair. Not fair, I think it's the way that, you know,
6 the way things have to happen.

7 Clearly there are some members that are
8 uncomfortable because they'd like that there was more
9 time, there just doesn't happen to be any more time.

10 So please put that on the top of your list, if
11 that's okay with the members.

12 Madam Chair.

13 BOARD CHAIR MOULTON-PATTERSON: Yes.

14 BOARD MEMBER JONES: I want to move adoption of
15 Resolution 2002-644 which is the consideration of the
16 adoption of the negative declaration clearinghouse
17 number 2002092005, and the proposed regs for the
18 compostable materials handling operation and facilities
19 requirement.

20 BOARD MEMBER MEDINA: Second.

21 BOARD CHAIR MOULTON-PATTERSON: Okay. We have
22 a motion by Mr. Jones, seconded by Mr. Medina to approve
23 Resolution 2002-644.

24 Please call the roll.

25 BOARD SECRETARY WADDELL: Cannella?

1 BOARD MEMBER CANNELLA: Aye.

2 BOARD SECRETARY WADDELL: Jones?

3 BOARD CHAIR JONES: Aye.

4 BOARD SECRETARY WADDELL: Medina?

5 BOARD MEMBER MEDINA: Aye.

6 BOARD SECRETARY WADDELL: Paparian?

7 BOARD MEMBER PAPARIAN: Aye.

8 BOARD SECRETARY WADDELL: Moulton-Patterson?

9 BOARD CHAIR MOULTON-PATTERSON: Aye.

10 BOARD MEMBER JONES: Madam Chair.

11 BOARD CHAIR MOULTON-PATTERSON: Oh, Mr. Jones.

12 BOARD MEMBER JONES: I'd like to move adoption
13 of Resolution 2002-645, consideration of the adoption of
14 the negative dec and the proposed regulations for the
15 compostable materials handling operation and facilities
16 requirements.

17 BOARD MEMBER MEDINA: Second.

18 BOARD CHAIR MOULTON-PATTERSON: Okay. Again we
19 have a motion by Mr. Jones, seconded by Mr. Medina to
20 approve Resolution 2002-645.

21 Without objection, please substitute the
22 previous roll.

23 Okay. Before, we're moving on to our Waste
24 Prevention and Market Development section, and I'll be
25 calling on the chair of that committee, Mr. Jones, to

1 report.

2 But before I do I would like to welcome
3 Assemblyman Carl Washington to our meeting. We're glad
4 to have you, and thank you for joining us today.

5 Mr. Jones.

6 BOARD MEMBER JONES: Thank you, Madam Chair.

7 Waste Prevention and Market Development met on
8 November 6th. We heard six items.

9 We actually had to pull an RMDZ loan
10 application at the request of the applicant, South
11 County Recycling.

12 Four items that were heard included the
13 reemployment of two loan committee members, RPPC
14 compliance agreements for several companies, all were
15 approved with the exception of the Schultz Company which
16 will be updated and presented at the Board meeting, or
17 did we get that approved? Did we --

18 MS. WOHL: That was approved.

19 BOARD MEMBER JONES: We fixed it at the
20 committee, right?

21 MS. WOHL: Right.

22 BOARD MEMBER JONES: Okay. So that's part of
23 the consent, but we had pulled it off the normal until
24 we got it worked out.

25 We approved the scoring criteria and evaluation

1 for the reuse assistance grants for fiscal year 2002-'03
2 and '03-'04.

3 And we did the scope of work for the Yosemite
4 Closing the Loop project.

5 All four of those are, were on the consent
6 calendar and approved.

7 I do want to say a special thanks to Brian
8 Larimore for all of his work on the Yosemite project,
9 because he did do an awful lot of work, there were a lot
10 of hurdles that came along the way, and he worked to get
11 us through that, and that's appreciated.

12 We are going to have some fiscal consent issues
13 that went to Mr. Medina's committee with the approval of
14 our Board -- I mean with our committee.

15 And just quickly, SABRC. I did the opening of
16 the SABRC quarterly meeting, and just so you know, Patty
17 Wohl, we need to have an item coming to committee sooner
18 than later talking about SABRC and how we can maybe
19 influence DGS to do some things where, we had a pretty
20 unique meeting where somebody asked a question, ten
21 people were ready to give a response. The woman at
22 least had the courage to tell us what the barrier was,
23 but ten people jumped to her aid to tell her how to fix
24 it.

25 We need to be, we need to be facilitating some

1 of that, and we may have to do it through DGS through a
2 hotline or whatever. I was really impressed by that.

3 Plus, only 75 of 150 of these state agencies
4 showed up, so we need to be figuring out a way to get
5 the other 75 there.

6 So with that, Madam Chair, good meeting.

7 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
8 you. That takes us to item 60.

9 Ms. Wohl.

10 MS. WOHL: Yes. Patty Wohl, Waste Prevention
11 and Market Development Division.

12 Agenda item 60 is consideration of contractor
13 for Yosemite Closing the Loop project, fiscal year
14 2002-2003 contract concept number 25.

15 And as Steve mentioned, it received consent
16 from, or consensus from both the Special Waste and
17 Market Development Committee as well as the Budget and
18 Admin Committee.

19 This is a contract which involves diverting
20 grease produced in Yosemite, and trying to convert that
21 to a biodiesel.

22 This contract is for \$27,500, and it's with the
23 University of California, Riverside.

24 With that, staff recommends that the Board
25 approve option one and adopt Resolution number 2002-662.

1 And Brian is available if you have any
2 questions.

3 BOARD CHAIR MOULTON-PATTERSON: Any questions?

4 Okay. Mr. Medina.

5 BOARD MEMBER MEDINA: I'd like to move the
6 resolution.

7 BOARD CHAIR MOULTON-PATTERSON: Okay. I'll
8 second it.

9 We have a motion by Mr. Medina and seconded by
10 Moulton-Patterson to approve Resolution 2002-662
11 which is selecting a contractor for the Yosemite Closing
12 the Loop project, which I think we're all real proud of.

13 Please call the roll.

14 BOARD SECRETARY WADDELL: Cannella?

15 BOARD MEMBER CANNELLA: Aye.

16 BOARD SECRETARY WADDELL: Jones?

17 BOARD CHAIR JONES: Aye.

18 BOARD SECRETARY WADDELL: Medina?

19 BOARD MEMBER MEDINA: Aye.

20 BOARD SECRETARY WADDELL: Paparian?

21 BOARD MEMBER PAPARIAN: Aye.

22 BOARD SECRETARY WADDELL: Moulton-Patterson?

23 BOARD CHAIR MOULTON-PATTERSON: Aye. Thank
24 you.

25 Mr. Jones, did you give your special waste

1 report yet?

2 BOARD MEMBER JONES: I just -- two things. We
3 heard four items.

4 One was on consent was that clean and green
5 voting campaign. We have a fiscal consensus to fund
6 that.

7 We did accept as a completed contract the CSUS
8 report and analysis of subsidies and other options to
9 expand tire recycling that they fulfilled their
10 contract. We looked at the disclaimer language, it's
11 not a report of the Board but a report to the Board to
12 be put in our library and used as a resource document if
13 we want at some point. And if we choose never to, we
14 choose never to. But I wanted to make that clear in the
15 report that it was not at all considered a report of the
16 Board.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
18 you, Mr. Jones.

19 That brings us to the last item, item 62.

20 Ms. Willd-Wagner.

21 MS. WILLD-WAGNER: Thank you, Madam Chair, good
22 morning, Board members. Shirley Willd-Wagner with the
23 Special Waste Division.

24 Item 62 is to consider the contractor, the
25 California Coastal Commission for the Boating Clean and

1 Green Campaign for the fiscal year 2002-3.

2 The scope of work was approved, as Mr. Jones
3 mentioned, in committee. And it was an interagency, it
4 will be an interagency agreement with the Coastal
5 Commission to continue to support the educational
6 components of boater education and the installation of
7 marine environmental services.

8 This campaign has been very successful. The
9 Board has supported it for the past five years.

10 And Resolution 2002-637 recommends to approve
11 the California Coastal Commission as the contractor in
12 the amount of \$198,000.

13 Are there any questions?

14 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina.

15 BOARD MEMBER MEDINA: Madam Chair, if there are
16 no questions or comments regarding this item, I'd like
17 to move Resolution 2002-637, approval of the California
18 Coastal Commission as contractor for Phase IV of the
19 Boating Clean and Green Campaign, fiscal year 2002-2003
20 Used Oil Program, contract concept number 0-31.

21 BOARD MEMBER PAPARIAN: Second.

22 BOARD CHAIR MOULTON-PATTERSON: Okay. We have
23 a motion and a second.

24 Before we vote I'd just like to say, having
25 been on the Coastal Commission for five years and seeing

1 this project in action, I think it's really a great one
2 that we can really be proud of.

3 And so with that, we have a motion by Mr.
4 Medina, seconded by Mr. Paparian to approve Resolution
5 2002-637.

6 Please call the roll.

7 BOARD SECRETARY WADDELL: Cannella?

8 BOARD MEMBER CANNELLA: Aye.

9 BOARD SECRETARY WADDELL: Jones?

10 BOARD CHAIR JONES: Aye.

11 BOARD SECRETARY WADDELL: Medina?

12 BOARD MEMBER MEDINA: Aye.

13 BOARD SECRETARY WADDELL: Paparian?

14 BOARD MEMBER PAPARIAN: Aye.

15 BOARD SECRETARY WADDELL: Moulton-Patterson?

16 BOARD CHAIR MOULTON-PATTERSON: Aye.

17 That concludes the regular portion of our
18 meeting, however we do have a public comments section at
19 the end of the meeting, and we have a, I have a speaker
20 slip from Mr. Mike Mohajer.

21 MR. MOHAJER: Madam chairs, member of the
22 Board, good morning again.

23 This item that I wanted to discuss is, refers
24 to the disposal reporting system that was presented at
25 the committee last week. So with all these committee

1 meetings it just makes it difficult for me to be up
2 here.

3 As you know, we went through the Senate Bill
4 2202. And as a part of that SB 2202 there were a number
5 of working group was put together, a census group, and
6 they came up with a number of recommendation on how to
7 address the deficiencies in the disposal reporting
8 system.

9 And staff, based on what I seen on the staff
10 presentation on the Internet, they did excellent
11 presentations, but there are several issues that are
12 critical to Los Angeles County, and those needs to be
13 addressed.

14 So there are three specific recommendation that
15 the census group had adopted, and the Waste Board had
16 adopted them to forward to their legislator last
17 November.

18 And those are recommendation, these are a CC2
19 which requires increasing number of the audit of the
20 solid waste facility by the Waste Board.

21 Number two requires that impose a penalty on
22 the haulers and the waste industries that they
23 misrepresent disposal reports. And also includes in the
24 number and types of the disposal report system to be
25 made available on the Waste Board Internet site.

1 So having said that and being involved with the
2 system for over two years, I hope that all of our action
3 doesn't go by the wayside. And this would be something
4 that the Board would be really looking at it, because
5 without the gentlemen's system that has existed since
6 1995, it hasn't worked. And we have to do something
7 with it, and we definitely need enforcement.

8 In L.A. County, for your information we are
9 going to come up with a system in the next several
10 months, at least those area that I have jurisdiction to
11 implement. And hopefully the Waste Board will be
12 following the same system and also what they adopted it
13 last year as a part of SB 2202.

14 I have discussed this with Mr. Schiavo and we
15 work very closely, and I have offered him to also work
16 with him on this issue because I know he's going to be
17 getting a lot of hassle over the other side of the
18 fence.

19 Thank you.

20 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
21 Mohajer. And it's certainly the Board's intent to do
22 that also. And thank you for being here and speaking to
23 it.

24 We have a very short closed session which I
25 would like to do at this time and, if there's no

1 objections from the Board members.

2 Mr. Cannella?

3 BOARD MEMBER CANNELLA: I don't have any
4 objection, but I'm still learning the rules.

5 I have an ex-parte to report.

6 BOARD CHAIR MOULTON-PATTERSON: Oh, thank you.

7 BOARD MEMBER CANNELLA: I received a letter
8 from Mr. Price in Alameda County relative to the
9 compostable issue. I received it after the vote was
10 taken, but I didn't know if I needed to report it or
11 not, and I'd rather be safe than sorry.

12 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
13 you, Mr. Cannella for doing that.

14 Okay. The Board will adjourn this meeting and
15 we'll adjourn to closed session.

16 Thank you all very much.

17 (Thereupon the foregoing was concluded
18 at 11:40 a.m.)

19

20

21

22

23

24

25

1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

2
3 I, DORIS M. BAILEY, a Certified Shorthand

4 Reporter and Registered Professional Reporter, in and
5 for the State of California, do hereby certify that I am
6 a disinterested person herein; that I reported the
7 foregoing proceedings in shorthand writing; and
8 thereafter caused my shorthand writing to be transcribed
9 by computer.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said proceedings, nor
12 in any way interested in the outcome of said
13 proceedings.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 as a Certified Shorthand Reporter and Registered
16 Professional Reporter on the 2nd day of December, 2002.

17
18
19 Doris M. Bailey, CSR, RPR, CRR
20 Certified Shorthand Reporter
21 License Number 8751
22
23
24
25